



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/12/Add.1
10 February 2000

Original ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 4 of the provisional agenda

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Report of the United Nations High Commissioner for Human Rights

Addendum

Introduction

1. The present document is submitted in response to requests of the Commission on Human Rights contained in its resolutions 1998/21, 1999/54 and 1999/57.

I. RESOLUTION 1998/21

2. In its resolution 1998/21, the Commission recognized that tolerance and pluralism strengthen democracy, facilitate the full enjoyment of all human rights and thereby constitute a sound foundation for civil society, social harmony and peace. In this context, the Commission called upon the High Commissioner for Human Rights and her Office to include tolerance in its work programmes, to undertake specific educational initiatives and public-awareness activities for the promotion of tolerance and pluralism, and to advise or assist countries through the programme of advisory services and technical cooperation to guarantee the full enjoyment of all human rights by all segments of the population. The Commission also called upon the High Commissioner to include in her report to its fifty-sixth session, details of activities undertaken by the Office to implement the resolution.

3. The High Commissioner for Human Rights and her Office have projected messages of tolerance throughout the whole range of activities included in the work programmes of the Office. The Office has continued its technical cooperation activities to strengthen national capacities in the field of human rights, including public information. Details of activities at the national, regional and global levels are provided in the relevant reports of the Secretary-General to the Commission on Human Rights.

4. The development of a culture of tolerance depends essentially on education, development, and the rule of law. Education on human rights and dissemination of human rights knowledge is the aim of the United Nations Decade for Human Rights Education (1995-2004). Details of the activities implemented under the Decade are provided in the report of the Secretary-General on the implementation of the plan of action for the Decade for Human Rights Education, submitted to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/93). Worth mentioning are the efforts to disseminate the Universal Declaration of Human Rights, available through OHCHR's Web site in more than 300 languages and dialects, and the development of a manual on human rights training for primary and secondary school teachers.

5. Article 13 of the International Covenant on Economic, Social and Cultural Rights, article 29 of the Convention on the Rights of the Child and article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination affirm that education shall be directed, *inter alia*, to promote tolerance. During the period under review, United Nations committees continued to monitor the observance by States parties of these articles. Specially relevant in this regard are the concluding observations of the Committee on the Elimination of Racial Discrimination in which the Committee has systematically encouraged or welcomed States parties' educational measures providing for the teaching of the principles of tolerance and peaceful coexistence in a multicultural society, to the population at large and, in particular, to teachers, school administration and law enforcement officials.

6 Promotion of tolerance and pluralism are among the objectives of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in South Africa in 2001. The open-ended working group that met in Geneva from 24 to 26 March 1999 to review and formulate proposals for the World Conference stressed the importance of promoting the values associated with cultural diversity, tolerance and respect for differences and the need to use the Internet as much as possible as a positive educational tool to promote these values. OHCHR has devoted a section of its Internet site to inform the public about the preparations for the World Conference and raise public awareness about the scourge of racism. Also within the strategy of informing international public opinion and sensitizing it to the objectives of the World Conference, the High Commissioner had appointed renowned ambassadors from the entertainment, arts, culture, sports and musical worlds in order to mobilize the attention of civil society. An account of the activities undertaken in the framework of the preparations for the World Conference is given in the relevant report of the Secretary-General to the Commission (E/CN.4/2000/15).

7 In the context of religious intolerance, the Special Rapporteur of the Commission on Human Rights on this particular issue has conducted a survey, by means of a questionnaire addressed to States, on problems relating to freedom of religion and belief from the standpoint of the curricula and textbooks of primary or elementary and secondary educational institutions. With this survey the Special Rapporteur wishes to contribute to the shaping of an international educational strategy centred on the definition and implementation of a common minimum curriculum of tolerance and non-discrimination, for combating all forms of intolerance and discrimination based on religion or belief. In the framework of preparations for the twentieth anniversary of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief on 25 November 2001, the Special Rapporteur has proposed that States give the name of tolerance to streets, squares and public buildings.

8 The Office of the High Commissioner has also continued to cooperate with the United Nations Educational, Scientific and Cultural Organization with the common objective of promoting a culture of tolerance and pluralism. The Office was represented at the Intergovernmental Conference on Cultural Policies for Development organized by UNESCO in Stockholm from 30 March to 2 April 1998, entitled *The Power of Culture*. The two main themes of the Conference were the challenges of cultural diversity and the challenge of recasting cultural policies. As a result of this first conference UNESCO, in close cooperation with the United Nations High Commissioner for Human Rights/Coordinator for the International Decade of the World's Indigenous Peoples, other United Nations bodies, programmes and specialized agencies, Governments and indigenous peoples organized an International Conference on Indigenous Cultural Rights, held in Paris in October 1999, with the aim of promoting cultural diversity within States.

II. RESOLUTION 1999/54

9 In resolution 1999/54, the Commission on Human Rights requested the High Commissioner to submit a report containing an assessment of field presences to the Commission at its fifty-sixth session.

10 Consistent with the approach recommended by the World Conference on Human Rights in June 1993 concerning the strengthening of the human rights programme and the recommendations by the Commission on Human Rights and other competent United Nations organs and bodies, the involvement of OHCHR in field work has increased over the years. The number of human rights projects implemented through field activities has grown from 1 in 1992 to 26 in 1999.

11 By extending its activities into the field, OHCHR has sought to promote the realization of human rights in practical terms through cooperative efforts at the national level. The long-term goal of "all human rights for all" is pursued through the development of preventive strategies, in cooperation with requesting Governments, mostly aimed at national capacity-building, whether addressing transitions to democracy, post-conflict reconstruction, or even conflict situations. If the situation on the ground so warrants, preventive strategies are supported and complemented by protection activities. Importantly, human rights field presences encourage the forging of closer cooperation between Governments and civil society.

12 OHCHR field presences also facilitate improved coordination among United Nations agencies on human rights activities and programmes. In recent times particular emphasis has been given to integrating human rights into areas such as development assistance and peacekeeping. In the development area, OHCHR attaches particular importance to Common Country Assessments (CCA) and the United Nations Development Assistance Framework (UNDAF). The integrated approach to programming that they provide can ensure that all United Nations work at the national level takes into due consideration the realization of human rights. The presence in the field also facilitates cooperation of OHCHR with other international partners.

A. Overview of field presences

1. Status and format of field presences

13 The nature of OHCHR's field presences has varied considerably over time. Starting in 1992 with the deployment of two officers in Zagreb with the mandate to provide support to the Special Rapporteur on the situation of human rights in the countries of the former Yugoslavia, following a recommendation of the Commission on Human Rights the same year OHCHR established an office in Cambodia with a comprehensive mandate. Since then, field presences have been established with diversified profiles to meet needs at the national level, from the human rights field operation in Rwanda in 1994 - to date the largest OHCHR field presence - to the establishment of relatively small field presences linked to the implementation of technical cooperation projects such as those in Malawi, Mongolia, and the Gaza Strip.

14 Thus, there is no fixed formula for the structure and mandate of OHCHR field presences, each one of them being tailored to the particular situation they address, following a painstaking process of needs assessment. The environment in which OHCHR field presences are required to operate varies from case to case, and even over time during the life of a single presence. Contextual realities have ranged from post-conflict settings to ongoing armed conflicts, and from

violent internal tensions to peaceful democratic transitions, requiring corresponding particularities and adjustments in the mandates and modus operandi of the field presences themselves

15. Some field presences of OHCHR find their origin directly in resolutions of the Commission on Human Rights (e.g. Cambodia and the countries of the former Yugoslavia) or of the Security Council (e.g. Abkhazia/Georgia), others are based on direct agreements between OHCHR and the host country (e.g. Malawi), in the form of memoranda of intent or technical cooperation agreements, still others originate from arrangements between OHCHR and the Department of Peacekeeping Operations (e.g. Angola and Sierra Leone), or from an inter-agency agreement with United Nations Development Programme (southern Africa). The legislative basis for the same presence may also have evolved and broadened over time, such as in the case of Burundi, where direct consultations between the High Commissioner and the Government led to the establishment of OHCHR's office, subsequently endorsed by the Commission on Human Rights. A relatively new development is the memorandum of understanding between the Department and OHCHR, signed in the fall of 1999, under which the two bodies cooperate closely on human rights components of peacekeeping operations.

16. The development of cooperative arrangements with other relevant parts of the United Nations system is central to the viability of field presences. Within the United Nations system, OHCHR works closely with the Department of Peacekeeping Operations/Field Administration and Logistics Division (FALD), the Department of Political Affairs, the Executive Office of the Secretary-General, UNDP and the United Nations Office for Project Services (UNOPS). OHCHR has cooperated with the recently established United Nations Development Assistance Framework (UNDAF) with encouraging results, like in the case of Afghanistan. Partnerships with intergovernmental organizations, such as the European Union, the Organization of African Unity and the Organization for Security and Cooperation in Europe, have also been developed. International and national non-governmental organizations and training institutes are similarly vital partners for the effective and efficient operation of field presences.

17. The modalities of implementation arrangements include exclusive management and implementation responsibility by OHCHR (Cambodia, Burundi), joint implementation with regional organizations such as OSCE (Abkhazia/Georgia), joint implementation with UNDP (southern Africa), OHCHR substantive input only, with management responsibility resting with the Department of Peacekeeping Operations (e.g. Liberia, Sierra Leone). The status of field staff personnel also varies considerably, including a variety of arrangements such as OHCHR-contracted staff, United Nations Volunteers, staff contributed by Governments, and staff contracted by the Department of Peacekeeping Operations. The staff strength of field presences ranges from one-person offices like in Togo to sizeable operations, for example in Rwanda where OHCHR deployed over 100 international personnel. Funding arrangements include the regular budget, voluntary contributions to OHCHR, in-kind contributions of staff and combinations of these.

2. Mandates

18 The main goal of field presences is to assist the process of national capacity-building which, in the case of monitoring activities, is pursued through an open and constructive dialogue with the Government. OHCHR field presences tend to evolve over time with increasing emphasis on building national capacities through technical cooperation. OHCHR also keeps the international community apprised of its activities on the ground through briefings and publication of information material.

3. Regional approaches

19 In order to support capacity-building, human rights programmes should be integrated, as far as possible, into the activities of potential partners. With this in mind, OHCHR is giving increasing attention to regional strategies which complement and reinforce activities at the national level.

20 In 1998, OHCHR opened its first regional office in Pretoria, South Africa. Its mandate consists of offering technical support, in cooperation with UNDP, to the countries of the Southern African Development Coordination Conference. Following a positive internal evaluation of these programmes, OHCHR has begun developing regional and subregional approaches for other continents.

C. Lessons learned: an ongoing process

21 In order to meet the evolving challenges, OHCHR places emphasis on the lessons learned process, including: the establishment of annual meetings of heads of field presences, the development of a field work policy, the establishment of a Methodology Unit, and an ongoing evaluation of field operations through several assessment missions and audits.

1. Meetings of heads of field presences

22 OHCHR convened from 4 to 7 August 1998 the first meeting of all heads of field presences. This was the first opportunity for a collective and direct exchange between OHCHR field presences management, headquarters management and the Office of the High Commissioner. The meeting contributed to the formulation of recommendations relating to the review of existing policy, the strengthening of mechanisms aiming at integrating field presences in OHCHR's overall structure through enhanced communication, consultation and information-sharing, review of existing field methodology and proposals for developing methodology in new areas of work, and improvement in the administrative and substantive support given by headquarters to field presences.

23 The second meeting of heads of field presences was held in September 1999 to assess the work conducted at headquarters and at the field level in follow-up to the first meeting. Discussions resulted in a series of recommendations covering a wide range of issues such as management, finance and personnel, policy formulation and implementation, integration of human rights into the United Nations system, human rights in emergencies, relations between the

field and human rights mechanisms, and technical cooperation. The richness and variety of the discussions underlined the value of such opportunities for dialogue and information exchange between the field presences.

2. Field methodology

24 There is an ongoing process of refining and improving the methodology of human rights field presences. Analysis of field experiences in order to identify lessons learned and best practices is another important aspect of the work. To harmonize and standardize human rights work, OHCHR also facilitates the development of manuals and training materials.

25 The High Commissioner has also requested United Nations internal auditors and external experts to review field activities. The findings of this evaluation process are being incorporated into the planning of field activities.

III. RESOLUTION 1999/57

26 The Commission on Human Rights at its fifty-fifth session affirmed in its resolution 1999/57, entitled "Promotion of the right to democracy", that democracy fosters the full realization of all human rights. The Commission also affirmed that the rights of democratic governance include the rights to freedom of opinion and expression, the right to freedom of information, the rule of law, the right to universal and equal suffrage, the right of political participation, transparent and accountable government institutions, the right of citizens to choose their governmental system, and the right to equal access to the public service in one's country. The Commission requested the High Commissioner, in her report to the Commission at its fifty-sixth session, to reflect progress on the implementation of the right to democracy.

27 The promotion of the right to democracy is infused throughout the work of the Office of the High Commissioner for Human Rights. The right to democracy is promoted principally through the human rights machinery, through programmes dealing with the administration of justice, institution-building and the right to development, as well as through the Office's technical cooperation programmes and field presences. Some of the principle activities of the Office in 1999 are listed below.

28 Throughout 1999, the Office has continued its support for new and restored democracies through the human rights machinery. An important role in this context is played by the Human Rights Committee. The Committee advises States parties on the content and scope of civil and political rights and indicates methods to realize the right of every citizen to take part in the conduct of public affairs, to vote and be elected at genuine periodic elections and to have access to the public service in the country. The Committee on the Elimination of Racial Discrimination also examines the implementation of political rights including the rights to participate in elections and to stand for election without distinction as to race, colour, or national or ethnic origin. In the area of the administration of justice, the Office has provided ongoing support for the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions. The Office also provides support for the Working Group on Arbitrary Detention.

29. The Office has continued the programme of promoting and developing national human rights institutions. Support can be broadly divided into two areas: the provision, upon request, of practical advice and assistance to States involved in the establishment of new national institutions or the strengthening of existing ones, and the facilitation of international and regional meetings of national institutions. Since 1998, the Office has provided assistance to established national human rights institutions in 24 countries. It has also provided information and material support to a number of recently established national human rights institutions. In September 1999, the Office cooperated in the Annual Meeting of the Asian-Pacific Forum of National Human Rights Institutions and organized a seminar on national institutions and children's rights, both held in Manila.

30. Promoting the right to democracy is one of the key elements of the Office's programme on the right to development. In April 1999, OHCHR and UNDP launched the Human Rights Strengthening Programme (HURIST), a global programme designed to help developing countries integrate human rights concerns into sustainable human development work. HURIST promotes good governance and aims to strengthen public institutions such as parliaments, the judiciary and human rights institutions. In so doing, the Programme engages civil society, the private sector, the media and the academic community in local activities.

31. The Office's technical cooperation programmes include modules covering the promotion of the right to democracy. Relevant elements of the technical cooperation programme include advice concerning constitutions, the electoral process, legislative reform, national institutions, the administration of justice, national parliaments, and treaty reporting and training of government officials therefor. During 1999, technical cooperation projects of the Office have continued in 57 States.

32. Finally, the field presences of the Office undertake a range of activities that are relevant to the promotion of democracy. Included in the mandate of many field missions are the objectives of capacity-building in human rights for institutional authorities, capacity-building of the legal community, capacity-building for NGOs and the mass media, assisting Governments to strengthen the institutions needed for the rule of law, training the military and the police in the promotion of human rights, election support, as well as the development of human rights institutions.

